

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

*(continued from the 7/23/07 public hearing)*

**SUBJECT:** Country Club Road (Vacant) – Lake Mary Congregation Of Jehovah's Witnesses, applicant; Request for a special exception to establish a church in R-1A (Single Family Residential District).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Denny Gibbs **EXT:** 7387

**Agenda Date** 08-27-07 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a special exception to establish a church in R-1A (Single Family Residential District); or
2. **DENY** the request for a special exception to establish a church in R-1A (Single Family Residential District); or
3. **CONTINUE** The request to a time and date certain.

<b>GENERAL INFORMATION</b>	Lake Mary Congregation Of Jehovah's Witnesses 634 Moss Dr Altamonte Springs, FL 32714	R-1A (Single Family Residential District), LDC section 124 (conditional uses); group homes, private & public schools
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• This item was continued from the July 23, 2007 meeting. The applicant is requesting a date certain continuance from the August 27, 2007 meeting to the October 22, 2007 meeting.</li> <li>• The applicant proposes to establish a single story, 4,425 square foot meeting hall with porte-cocher on a 3.25 acre parcel which is currently vacant..</li> <li>• They also are proposing a 1,628 square foot parsonage building.</li> <li>• On May 22, 1995 BA95-5-11SE Lake Mary Congregation</li> </ul>	

	was granted a special exception to establish this use on the property but this has expired and they are proposing a different site plan layout.																								
	<table><tr><th>DIRECTION</th><th>EXISTING ZONING</th><th>EXISTING FLU</th><th>USE OF PROPERTY</th></tr><tr><td>SITE</td><td>R-1A</td><td>LDR</td><td>Group home</td></tr><tr><td>NORTH</td><td>R-1A</td><td>LDR</td><td>Vacant</td></tr><tr><td>SOUTH</td><td>City of Lake Mary</td><td></td><td>Residential</td></tr><tr><td>EAST</td><td>R-1A</td><td>LDR</td><td></td></tr><tr><td>WEST</td><td>A-1</td><td>LDR</td><td>Vacant</td></tr></table>	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY	SITE	R-1A	LDR	Group home	NORTH	R-1A	LDR	Vacant	SOUTH	City of Lake Mary		Residential	EAST	R-1A	LDR		WEST	A-1	LDR	Vacant
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STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)	<p>The Board of Adjustment (BOA) shall have the power to hear and decide special exceptions it is specifically authorized to pass under the terms of the Land Development Code upon determination the use requested:</p> <p><b><u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u></b></p> <p>The Lake Mary Congregation Of Jehovah's Witnesses has a current congregation of 150 members and the facility will have fixed seating for 173. The 4,425 square foot church/meeting hall is proposed on a 3.25 acre parcel fronting on Country Club Road. A small scale church is a customary use within residential areas.</p> <p><b><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></b></p> <p>Churches customarily meet at times where impact on the traffic would be insignificant. Further, prior to obtaining permits, the site must pass concurrency. A traffic study will be determined at that time.</p> <p><b><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u></b></p> <p>The Seminole County Vision 2020 Comprehensive Plan describes the Low Density Residential (LDR) future land use as a transitional land use between more intense urban uses and Suburban Estates. The special exception uses listed in the LDR land use include churches</p>																								

	<p><b><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></b></p> <p>Based on the submitted site plan, the proposed use existing and proposed buildings meet the minimum area and dimensional requirements of the R-1A district.</p> <p><b><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></b></p> <p>Within the R-1A district churches are allowed as conditional uses and with stated conditions will not adversely affect the public interest.</p>
<p><b>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE <u>R-1A (SINGLE FAMILY RESIDENTIAL DISTRICT)</u>; LDC SECTION 30.203(a)</b></p>	<p>The BOA may permit any use allowed by special exception in the R-1A district upon making findings of fact, in addition to those required by section 30.43(b)(2) of the land development code, that the use:</p> <p><b><u>IS CONSISTENT WITH THE GENERAL ZONING PLAN OF THE R-1A (SINGLE FAMILY RESIDENTIAL DISTRICT):</u></b></p> <p>The R-1A zoning district permits uses that support residential areas with conditions to protect the character of the area.</p> <p><b><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></b></p> <p>Since this is a small church the use is not highly intensive. Churches meet primarily on off hours and recommended conditions of approval include some landscape treatment at the front of the property along Country Club Road.</p> <p><b><u>HAS ACCESS TO AN ADEQUATE LEVEL OF URBAN SERVICES SUCH AS SEWER, WATER, POLICE, SCHOOLS AND RELATED SERVICES:</u></b></p> <p>The property is located in the Utilities, Inc. Service Area in which provide water and sewer Capacity availability for the proposed improvements will be determined at concurrency. Other county services, including emergency services and garbage disposal, are also available to the site.</p>

<b>STAFF FINDINGS</b>	<p>Staff believes the proposed use would be compatible with the trend of development in the area for the following reasons:</p> <ul style="list-style-type: none"><li>• The property is located on Country Club Road, a collector roadway.</li><li>• In 1995 a substantially similar meeting hall was approved on this site.</li><li>• Small churches are customary in residential neighborhoods.</li><li>• Based on the submitted site plan, the impacts of the proposed use would be wholly contained within the site and conditions of approval require additional landscape buffers.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval subject the following conditions:</p> <ol style="list-style-type: none"><li>1. The assembly hall to be single story not to exceed 4,425 square feet for the principle part of the structure.</li><li>2. The parsonage building shall not exceed 1,628 square feet and shall have no active components on the south side.</li><li>3. Active buffer per SCLDC Part 64 Chapter 30, sec. 30.1232 will be provided at the north and east edges. Where the shared driveway exists, no buffer need be provided.</li><li>4. The south side of the property will be a passive edge with no active components as provided in SCLDC Part 64 Chapter 30, sec. 30.1232.</li><li>5. Provide canopy trees every 40 feet and understory trees and landscaping along Country Club Road and at the property entrance. Where feasible the existing canopy along Country Club Road shall remain and plantings provided to meet the above condition. To be determined at site plan review.</li><li>6. On the east edge the natural buffer will remain and where the existing trees do not meet sec. 30.1232 standards the applicant will provide additional landscaping. To be determined at site plan review.</li><li>7. No daycare facilities are proposed.</li><li>8. Prior to the issuance of development permits, a site plan that meets the requirements of chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee (DRC).</li></ol>

Fee: \$370.00

RECEIVED JUN 01 2007

Application # BS 2007-10  
Meeting Date July 23, 07



**SPECIAL EXCEPTION APPLICATION**  
**SEMINOLE COUNTY PLANNING DIVISION**  
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: LAKE MARY CONGREGATION OF JEHOVAH'S WITNESSES

Address: 90 775 OAKLAND HILL CIRCLE APT. 209 City: LAKE MARY Zip code: 32746-5859

Project Address: COUNTRY CLUB RD (04 20 30 300 0270 0000 City: LAKEMARY Zip code: \_\_\_\_\_

Phone number(s): 407-970-4426 LAURA / 321-228-6991 LEWIS / 407-620-9925 BARUE

Email address: DORI.KOEKI@AOL.COM

**What is this request for?**

- ☒ Church  
☐ Daycare  
☐ School  
☐ Group Home  
☐ Assisted Living Facility (ALF)  
☐ Kennel  
☐ Riding Stable  
☐ Alcoholic Beverage Establishment  
☐ Communication Tower  
☐ Other: \_\_\_\_\_

RECEIVED JUN 01 2007

Is the property available for inspection without an appointment? ☒ Yes ☐ No

What is the current use of the property? UNDEVELOPED

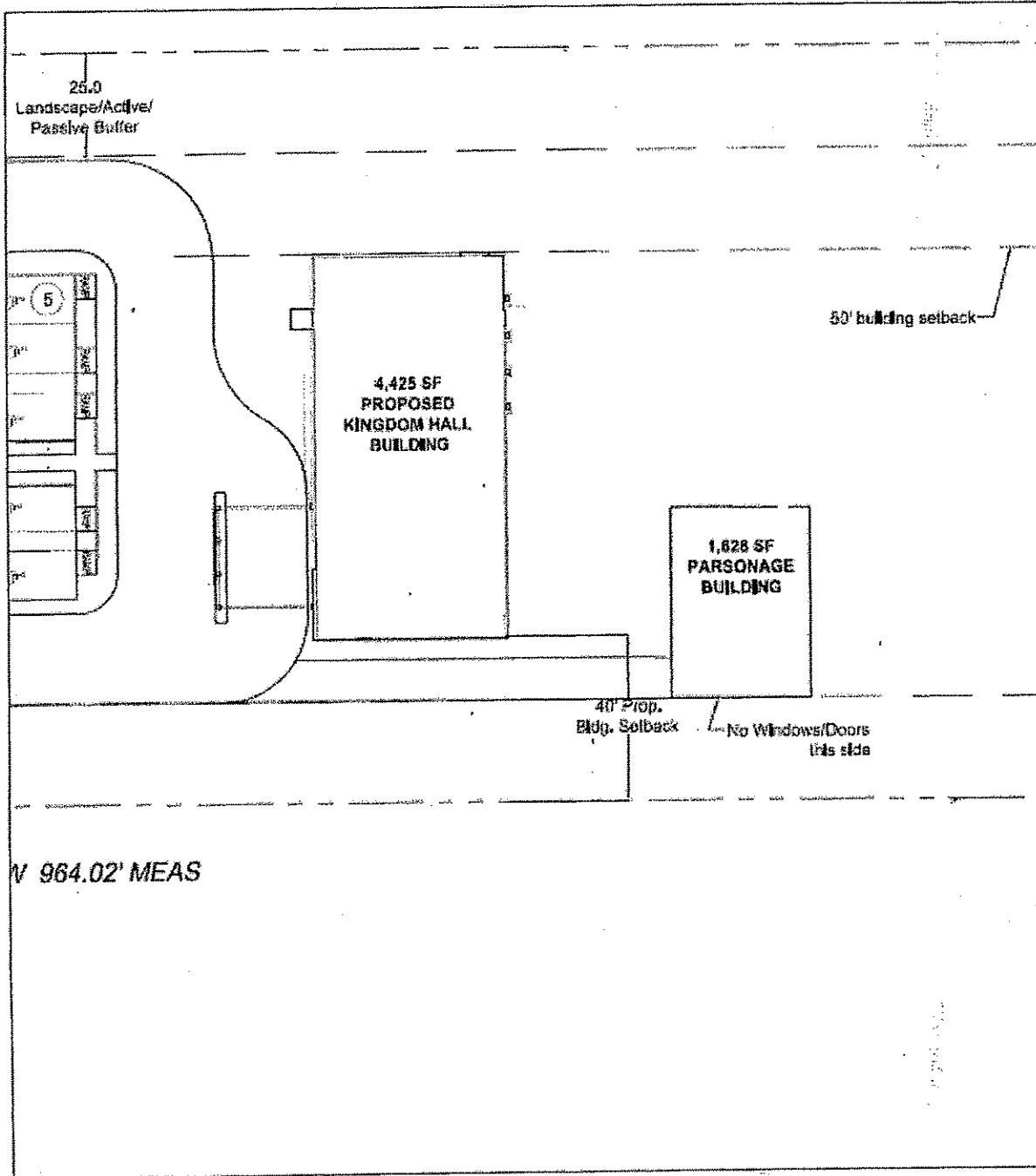
NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless the required **pre-application conference** has been held and all of the required information in the Special Exception application and submittal checklist is provided to the Planning Division.

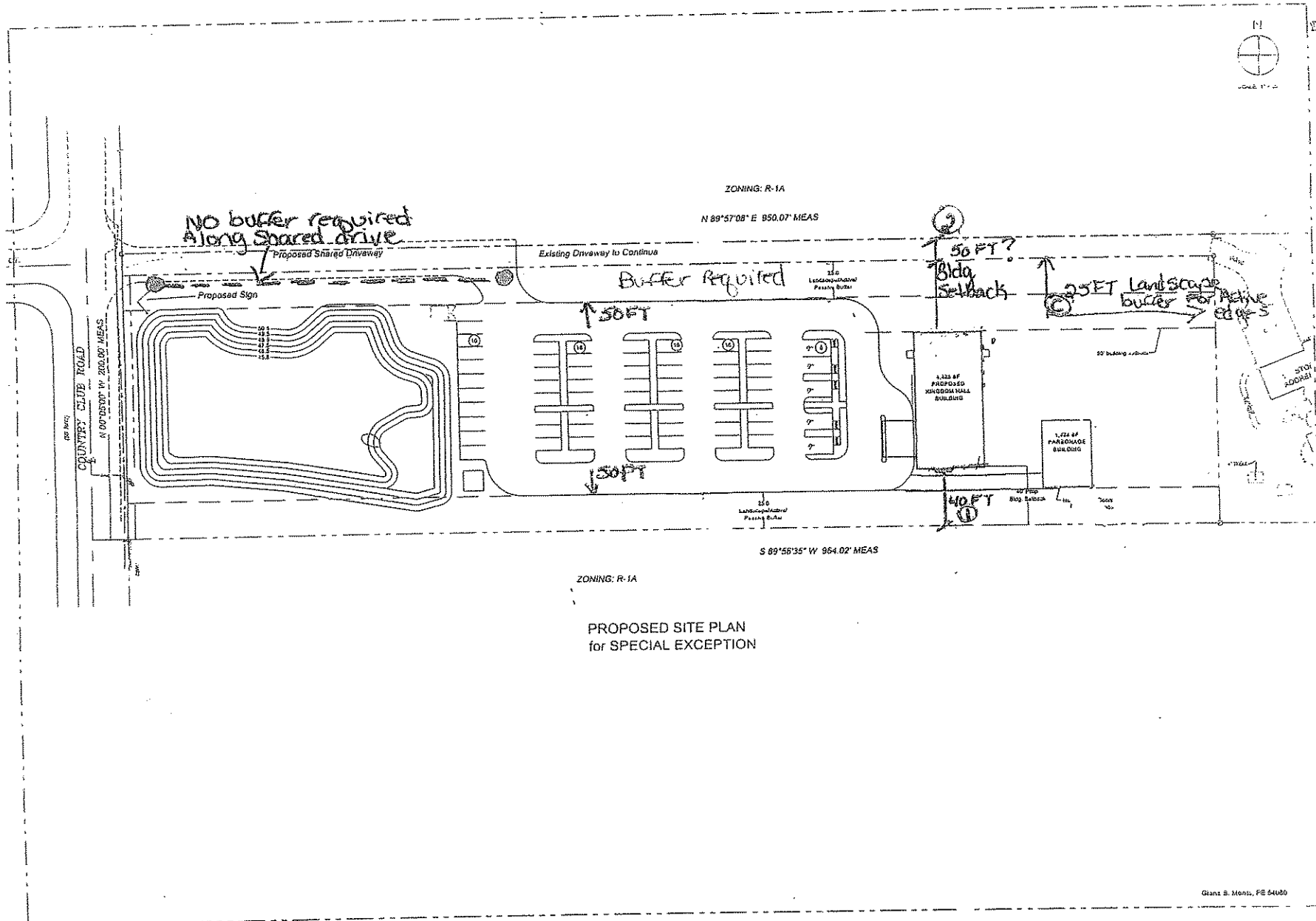
Signed: Karol Tremblay

**FOR OFFICE USE ONLY**

Date Submitted: 6-1-07 Reviewed By: D. Gibbs  
Tax parcel number: 04-20-30-300-0270-0000 Zoning/FLU R-1A/LDR  
☐ Legally created parcel (1971 tax roll, 5-acre dev, lot split) ☐ Platted Lot (check easements on lots / in dedication)  
☐ Lot size \_\_\_\_\_ ☐ Meets minimum size and width  
☐ Past approval # \_\_\_\_\_ ☐ Application and checklist complete  
Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_







REGIONAL  
BUILDING  
COMMITTEE  
NO 3

PROJECT NAME  
LAKE HART  
KINGDOM  
HALL  
COUNTY CLUB RD  
SEMIHOLE COUNTY, FL  
PROJECT NUMBER  
01-000  
PROJECT ADDRESS  
COUNTRY CLUB ROAD  
SEMIHOLE COUNTY, FL  
SCALE 1/8"=1'-0"

DATE  
1/1/20

DATE  
1/1/20

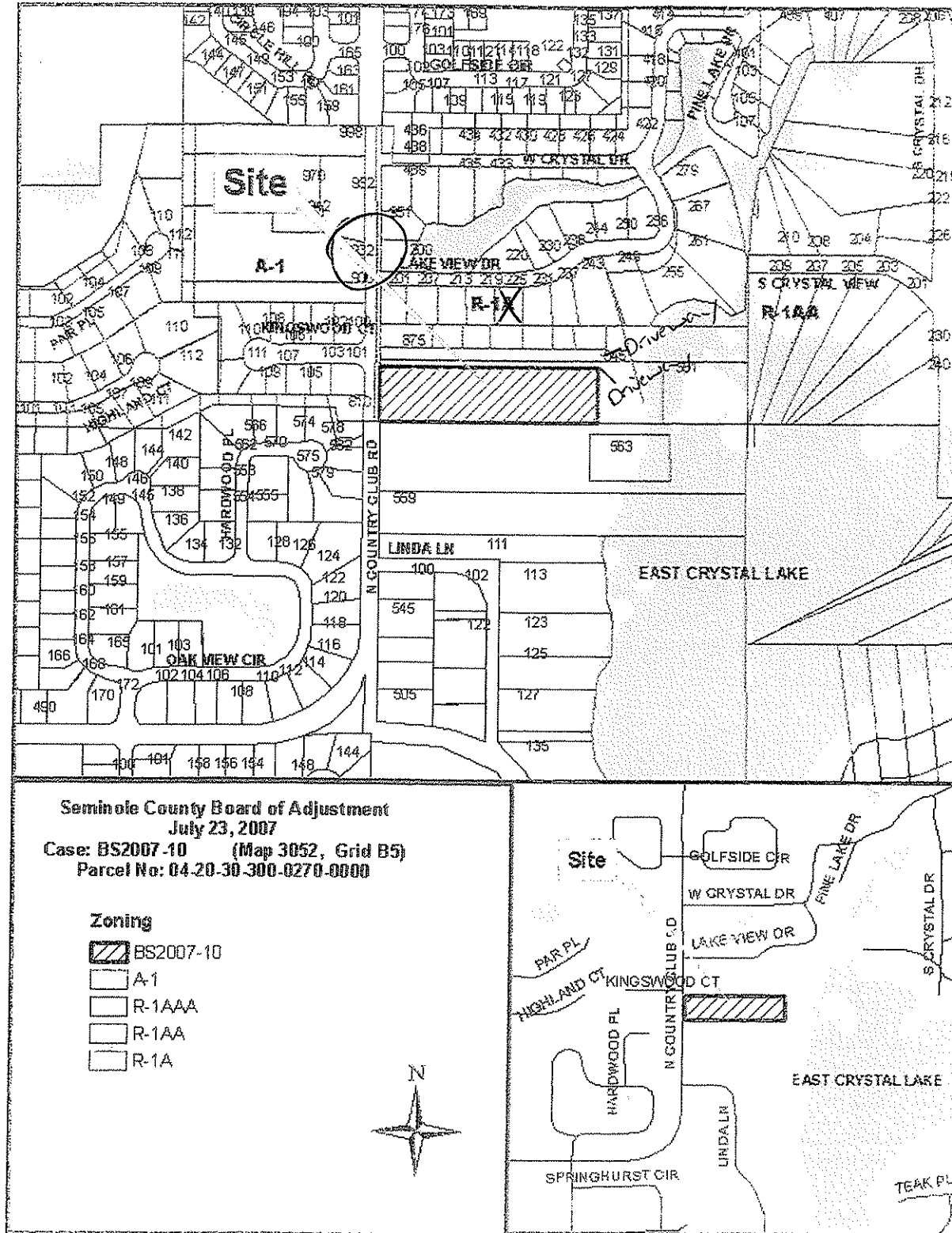
W. B. ENGINEERING  
INC.  
1000 S. W. 10th Ave.  
Fort Lauderdale, FL 33304  
Tel: (954) 571-1111  
Fax: (954) 571-1112

GEOMETRY  
PLAN

1/1/20



Lake Mary Congregation of Jehovah's Witnesses  
Parcel 27, Country Club Road  
Lake Mary, Florida 32746



COUNTRY CLUB ROAD (VACANT)

Lake Mary Congregation of Jehovah's Witnesses  
c/o 775 Oakland Hill Cir. Apt.209  
Lake Mary, FL 32746-5859  
May 31, 2007

Seminole County Planning Division  
1101 East First St.  
Sanford, FL 32771

To Whom It May Concern:

As requested, we are including the following information with our application for a "Special Exception"

The proposed building will serve as a 1 story 5,100 square foot meeting place to be used by the Lake Mary Congregation of Jehovah's Witnesses.

There would also be a 196 square foot concrete block maintenance shed.

The plans include provision for a small parsonage, pending funding and acceptance.

The congregation is approximately 150 members at this time and their main meeting schedule would include 1 evening during the week, and on Sunday.

Daily, smaller groups, approximately 10-20 would use the building for an hour or so.

The plans call for fixed seating for 173.

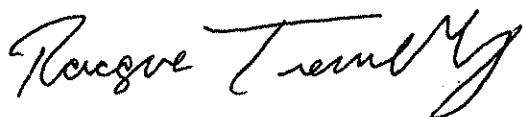
There will be no provisions for kitchen facilities, daycare arrangements or any onsite staff. There will also be no fund raising events or similar activities ever scheduled.

Our site plans specify 58 standard parking spaces and 5 handicap spaces.  
Photometric designs will take into consideration the location of nearby residences.

The entrance driveway on the plans shows a "shared use" with our neighbors to the rear. As discussed at the pre-application meeting the conceptual plan reflects our willingness to improve the ~~dual~~ drive way, already in existence. If a shared use agreement can be reached the improvements would be made high quality materials, and be beautifully landscaped.

Please know that the same owner, for the same site was granted a "Special Exception" shortly after the property purchase in 1995. RE: File #BA95-5-11SE. At that time the plans called for a building with over twice the seating capacity as well as a proportionately larger parking lot. In view, of the time that has passed, the owners have scaled back their intentions and feel their present plans show what would be more of a neighborhood church concept, that is better suited to the residential new development in the area.

Thank you sincerely for this consideration,



6/2/95

# Seminole County Government

Current Planning Division 1101 East First Street Sanford FL 32771 Telephone (407) 321-1130 Extension 7441 FAX 328-3239

May 23, 1995

Lake Mary Congregation of  
Jehovah's Witnesses  
c/o: Donald C. Baker  
110 Crooked Pine Drive  
Sanford, Florida 32773

RE: File #BA95-5-11SE

Dear Mr. Baker:

At their meeting of May 22, 1995, the Seminole County Board of Adjustment approved your request for a Special Exception to permit a church on the following described property:

Tax Parcel 27, Section 4-20-30; E side of Country Club Road  
and approximately 1-1/4 mile N of Lake Mary Boulevard.  
(DIST 5)

The approval of this request is approved subject to the following conditions:

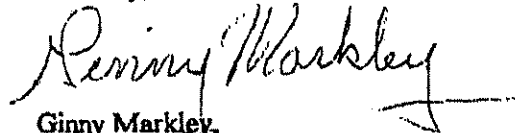
- ✓1. The church structure to be single story.
- ✓2. Construction of a 6 ft. high brick or masonry wall along the north lot line with oak or evergreen species canopy trees to equal one for every 25 ft. of property line.
- ✓3. Installation of a six foot high hedge or wall along the south lot line with oak or evergreen species canopy trees to equal one for every 25 ft. of property line.
- ✓4. Retaining as many trees on-site as possible.
- ✓5. Final site plan to meet code requirements.
- ✓6. Hours of services to be staggered with the hours of service for the church 1/3 mile up the road.
- ✓7. Decorative brick wall along the front lot line.
- ✓8. Parking lot is to be unpaved.
- ✓9. No daycare center or outside activities.

Lake Mary Congregation of  
Jehovah's Witnesses  
May 23, 1995  
Page Two

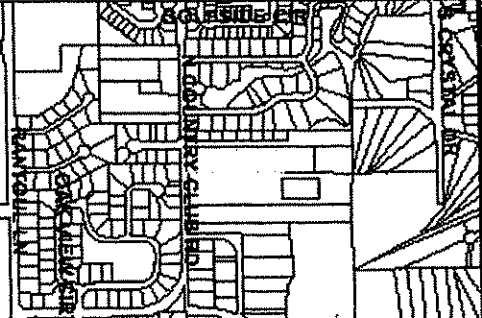

- ✓ 10. Capacity of Kingdom Hall limited to 400 individuals.
- 11. Parking lot lighting to be directed inward.

Please be advised, there is a 15 day appeal period in which this decision can be appealed to the Board of County Commissioners. Therefore, the Development Order granted by the Board of Adjustment is not final until the appeal period has lapsed and no appeals have been filed. This means that a building permit incorporating the Special Exception cannot be issued prior to June 7, 1995.

Sincerely,

  
Ginny Markley,  
Zoning Coordinator

GM/tb

<b>PARCEL DETAIL</b> DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508		 																						
<b>GENERAL</b> Parcel Id: 04-20-30-300-0270-0000 Owner: LAKE MARY FLA CONGREGATION OF Own/Addr: JEHOVAH'S WITNESSES Mailing Address: 634 MOSS DR City,State,ZipCode: ALTAMONTE SPRINGS FL 32714 Property Address: COUNTRY CLUB RD LAKE MARY 32746 Facility Name: Tax District: 01-COUNTY-TX DIST 1 Exemptions: 36-CHURCH/RELIGIOUS () Dor: 99-ACREAGE NOT AGRICULT		<b>2007 WORKING VALUE SUMMARY</b> Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$211,250 Land Value Ag: \$0 Just/Market Value: \$211,250 Assessed Value (SOH): \$211,250 Exempt Value: \$211,250 Taxable Value: \$0 Tax Estimator																						
<b>SALES</b> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>07/1995</td> <td>02949</td> <td>1848</td> <td>\$75,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/1990</td> <td>02234</td> <td>1360</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> Find Sales within this DOR Code		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	07/1995	02949	1848	\$75,000	Vacant	Yes	WARRANTY DEED	10/1990	02234	1360	\$100	Vacant	No	<b>2006 VALUE SUMMARY</b> 2006 Tax Bill Amount: \$0 2006 Taxable Value: \$0 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS	
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<b>LAND</b> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>ACREAGE</td> <td>0</td> <td>0</td> <td>3.250</td> <td>65,000.00</td> <td>\$211,250</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	3.250	65,000.00	\$211,250	<b>LEGAL DESCRIPTION</b> SEC 04 TWP 20S RGE 30E S 185 FT OF N 4302 FT OF W 765 FT OF E 1295 FT										
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																			
ACREAGE	0	0	3.250	65,000.00	\$211,250																			
NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.																								

## **SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On July 23, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEC 04 TWP 20S RGE 30E S 185 FT OF N 4302 FT OF W 765 FT OF E 1295 FT

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

### **FINDINGS OF FACT**

**Property Owner:** LAKE MARY FLA CONGREGATION OF JEHOVAH'S WITNESSES  
634 MOSS DR  
ALTAMONTE SPRINGS FL 32714

**Project Name:** Country Club Road (Vacant)

### **Requested Development Approval:**

Request for a special exception to establish a church in R-1A (Single Family Residential District)..

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs, Senior Planner  
1101 East First Street  
Sanford, Florida 32771

**Order****NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
  1. The variance granted will apply only to the church and parsonage as depicted on the attached site plan.
  2. The assembly hall to be single story not to exceed 4,425 square feet for the principle part of the structure.
  3. The parsonage building shall not exceed 1,628 square feet and shall have no active components on the south side.
  4. Active buffer per SCLDC Part 64 Chapter 30, sec. 30.1232 will be provided at the north and east edges. Where the shared driveway exists, no buffer need be provided.
  5. The south side of the property will be a passive edge with no active components as provided in SCLDC Part 64 Chapter 30, sec. 30.1232.
  6. Provide canopy trees every 40 feet and understory trees and landscaping along Country Club Road and at the property entrance. Where feasible the existing canopy along Country Club Road shall remain and plantings provided to meet the above condition. To be determined at site plan review.
  7. On the east edge the natural buffer will remain and where the existing trees do not meet sec. 30.1232 standards the applicant will provide additional landscaping. To be determined at site plan review.
  8. No daycare facilities ~~are proposed~~. *will be allowed.*
  9. Prior to the issuance of development permits, a site plan that meets the requirements of chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee (DRC).

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Dori L. DeBord  
Planning & Development Director

**STATE OF FLORIDA     )**  
**COUNTY OF SEMINOLE )**

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: